

Appl. No. 09/741,805
Response Dated June 13, 2006
Reply to Office Action of March 13, 2006

REMARKS

Claims 1-25 stand in this application. Claims 1, 2, 3, 5, 6, 8, 10, 13-21, 23, and 24 have been amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

CLAIM REJECTIONS – 35 U.S.C. § 102(b)

At page 3, paragraph 7 of the Office Action claims 1-8 and 10-23 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent Number (USPN) 6,650,641 to Albert et al. (“Albert”). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

Applicant respectfully submits that to anticipate a claim under 35 U.S.C. § 102(e), the cited reference must teach every element of the claim. See MPEP § 2131, for example. Applicant submits that Albert fails to teach each and every element recited in claims 1-8 and 10-23 and thus they define over Albert. For example, with respect to claim 1, Albert fails to teach, among other things, the following language:

an extensible markup language (XML) device ... to process the content based message only if the received packets have the one or more fields comprising the application data and if the content of the application data provided after the header in the one or more fields matches the configuration of the XML device, the XML device to forward the processed content based message via one or more packets having one or more fields that are different from the received packets.

Albert merely discloses a forwarding agent. Albert, however, fails to disclose, teach, or suggest that the forwarding agent is an XML device. Consequently, Albert fails to

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disclose all the elements or features of the claimed subject matter. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 1. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 2-8 and 10-25, which comprise features similar to claim 1, as amended.

CLAIM REJECTIONS – 35 U.S.C. § 103(a)

At page 7, paragraph 19 claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Albert in view of USPN 6,430,624 to Jamtgaard et al. ("Jamtgaard"). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

The Office Action has failed to meet its burden of establishing a *prima facie* case of obviousness. According to MPEP § 2143, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaecht*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

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Applicant respectfully submits that the cited references, taken alone or in combination, fail to disclose, teach or suggest every element recited in claim 9. Therefore claim 9 defines over Albert in view of Jamtgaard whether taken alone or in combination.

For example, claim 9 depends from claim 5. Claim 5 recites the following language, in relevant part:

a plurality of extensible markup language (XML) devices
... to receive a content based message comprising a header
and application data provided in one or more fields after the
header via one or more received packets and to process the
content based message only if the received packets have the
one or more fields comprising the application data and if
the content of the application data provided after the header
in the one or more fields matches the configuration of the
XML devices....

As indicated previously, Albert fails to disclose this feature. Applicant respectfully submits that Jamtgaard also fails to disclose this feature. Therefore, Albert and Jamtgaard, whether taken alone or in combination, fail to disclose, teach or suggest every element recited in claim 5. Thus, because claim 9 depends from 5, it follows that Albert and Jamtgaard, whether taken alone or in combination, fail to disclose, teach or suggest every element recited in claim 9 by virtue of its dependency from claim 5.

Therefore, at least on this basis, Applicant submits that claim 9 is non-obvious and represents patentable subject matter in view of Albert and Jamtgaard, whether taken alone or in combination. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to claim 9.

For at least the above reasons, Applicant submits that claims 1-25, as amended, recite novel features not shown by the cited references. Further, Applicant submits that

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the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

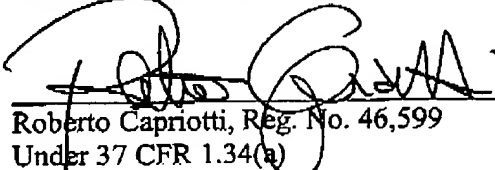
Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1-25 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present patent application.

Respectfully submitted,

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Under 37 CFR 1.34(a)

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